**A Human Rights Approach to the Intersection of**

**Climate Change and Cultural Heritage**

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[**Climate Heritage Mobilization**](http://climateheritage.org/about/)

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Ladies and Gentlemen, good morning.

I would like to begin by thanking the sponsoring organizations behind this Climate Heritage Mobilization, and the individual organizers of this event for their hard work to focus our attention on the impact of climate change on the human right to access and enjoy cultural heritage, amongst all the important human rights impacts to be addressed here in San Francisco this week. I salute the organizers for this effort and thank them for inviting me to take part as the UN Special Rapporteur in the field of cultural rights. I have come here to listen and learn as much as to speak; and to offer my support and endorsement to this laudable and necessary Climate Heritage Mobilization. It is also wonderful to be here at the California Historical Society.

In the summit this week in San Francisco, we are coming together to face critical responsibilities as human beings and human created institutions for nothing less than the preservation of human life as we know it, including human cultures, in the face of climate change. As former High Commissioner for Human Rights Navi Pillai has said, “Climate change is one of the most serious challenges [humanity] mankind has ever faced.”[[1]](#footnote-1) My primary messages in the short time that I have this morning are 1) that the impact of climate change on cultural heritage is above all else an urgent human rights question, and must be understood and responded to as such, and 2) that cultural heritage in all its forms represent a powerful resource to prevent and address the challenges caused by climate change in a human rights respecting manner.

I entirely support the call of my colleague the former UN Special Rapporteur on human rights and the environment John Knox for international recognition, similar to that in regional instruments, of the human right to a healthy environment. He has further explained that: “A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation. [to his list I would add cultural rights] Without a healthy environment, we are unable to fulfill our aspirations or even live at a level commensurate with minimum standards of human dignity”.[[2]](#footnote-2) As I will explain in my forthcoming report to the General Assembly on universality and cultural diversity,“the universality of human rights, including cultural rights, has no meaning today without a livable environment in which they can be enjoyed. “

Climate change specifically is also a human rights issue as Professor Knox has so clearly explained in a crucial 2016 report for the Human Rights Council (A/HRC/31/52) and it is one with particular impacts on women, children, persons with disabilities and indigenous peoples. It often has the most drastic effect on the human rights of those who have done the least to contribute to the problem in the first place. The effects will be both direct such as through extreme weather events, but also indirect and gradual such as increasing stress on health and agricultural systems and vulnerabilities related to climate change-induced migration. Today, we focus on the intersection between two critical human rights questions: climate change and heritage.

The intentional destruction of cultural heritage was the first theme I chose to focus onwhen I became the Special Rapporteur in November 2015. I have been determined to take a holistic approach to cultural heritage protection, whether in situations of war or peace, by state or non-state actors, of tangible or intangible heritage, or whether in regard to well-publicized attacks or less well-known events such as the terrible histories of destruction of the cultural heritage of many indigenous peoples around the world. Climate change is today amongst the greatest threats to cultural heritage, both tangible and intangible, and we must act with determination to respond to this threat. The Security Council and the UN Human Rights Council have taken action to respond to intentional destruction of cultural heritage, including by terrorist groups – and rightly so – and these bodies and others should likewise act to respond to this threat to cultural heritage.

As noted in an excellent 2014 monograph edited by Sabine von Schorlemer and Sylvia Maus entitled *Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural diversity*, there are a myriad of ongoing and potential impacts. For example, cultural heritage sites face threats from temperature changes, soil erosion, flooding and storms. Natural heritage sites face developments such as glaciers melting and habitat changes. In addition, as they warn: “climate change is likely to affect cultural diversity and socio-cultural interactions by forcing communities to change their work habits and ways of life, to compete for resources or to migrate elsewhere.” (p. 13) I am greatly alarmed that as long ago as 2005 a survey by the UNESCO World Heritage Centre already found that climate change was identified as a threat to 72% of the natural and cultural heritage sites about which responses were received from States Parties to the World Heritage Convention and in 2014 an academic study found that more than 130 World Heritage cultural sites were at long term risk from sea-level rise, from the archaeological site of Carthage in Tunisia to India’s Elephanta Caves. Moreover, we know that climate change is a “threat multiplier” which means it magnifies existing threats to cultural heritage, such as fueling resource conflicts in which heritage destruction may take place.

Many people might ask why we should care about this specific issue of the impact on cultural heritage when there are so many other threats posed to human beings and human rights by climate change? The only way to offer a convincing answer to that question is through a human rights approach to cultural heritage.

Cultural heritage is significant in the present, both as a message from the past and as a pathway to the future. Viewed from a human rights perspective, it is important not only in itself, but also in relation to its human dimension, including as an expression of human creativity and dignity. While specific aspects of heritage may have particular resonance for and connections to particular human groups, all of humanity has a link to such objects and practices, which represent the “cultural heritage of all humankind.”

The right of access to and enjoyment of cultural heritage forms part of international human rights law, finding its legal basis, *inter alia* in the right to take part in cultural life, guaranteed both by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, a binding treaty which has 169 state parties, spanning every region of the world. Cultural heritage is a fundamental resource for other human rights also, in particular, the rights to freedom of expression, freedom of thought, conscience and religion, access to history and a diversity of scientific knowledge as part of the right to education, as well as the economic rights of the many people who earn a living through tourism related to such heritage, and the right to development. The right of access to and enjoyment of cultural heritage includes the right of individuals and collectivities to know, understand, enter, visit, make use of, maintain, exchange elements of and develop cultural heritage, as well as to benefit from the cultural heritage and the creation of others.

The mandate on cultural rights was established to protect not culture and cultural heritage per se, but rather the conditions allowing all people, without discrimination, to access, participate in and contribute to cultural life through a process of continuous development. These conditions are greatly jeopardized when cultural heritage is at risk or destroyed. It is impossible to separate a people’s cultural heritage from the people itself and that people’s rights. This is nowhere more evident than in the connection between the destruction of cultural heritage and the destruction of lives, livelihoods and land. Climate change is having and will continue to have a grave impact on the cultural heritage of all humankind and hence on the related human rights of millions of human beings. This reality has not been adequately acknowledged in current climate change initiatives and must be recognized as a matter of international legal obligation and addressed as a priority.

A human rights approach can amplify our campaign on these issues. It has the potential to provide an effective additional normative basis for the protection of cultural heritage from the adverse consequences of climate change, including in the form of the international community's obligations under Article 15 of the International Covenant on Economic, Social and Cultural Rights which requires both national level action and international cooperation (Article 15(4)) to guarantee the right to take part in cultural life, which includes the right to enjoy and have access to cultural heritage.

In addition, a human rights approach requires paying attention to the disparate impact of climate change which magnifies and is magnified by underlying inequalities. For example, it implies taking a gender-sensitive approachto the protection of cultural heritage, including by recognizing the work of women defenders of cultural heritage, and promoting inclusion of women cultural heritage experts in relevant national and international forums and institutions.

Climate change induced damage and destruction of cultural heritage can have particularly significant effect on indigenous peoples. I recall the grievous history of destruction of diverse forms of indigenous cultural heritage in many parts of the world as a systematic part of, inter alia, colonialism or nationalist policies in post-colonial States, and I note that the totality of these acts have had long-lasting effects on the human rights of many indigenous peoples in diverse geographical context. A human rights based approach encourages climate change measures and initiatives that recognize and value indigenous knowledge systems, practices and land care, but also that of other groups of people who work with the land, in close interaction with the forest or the water and who have developed modes of production that are more respectful of the environment and do not contribute to climate change.

Another vital aspect of the human rights approach is the emphasis on participation and consultation of affected people, especially those most affected, with regard to policies and responses. It requires the Free, Prior and Informed Consent of affected indigenous peoples in all policies and programs developed to respond. It also requires full involvement of – and support for- human rights defenders on the frontlines who are striving, sometimes at risk of their lives, to protect human rights and cultural heritage, including from the negative effects of climate change. As the Office of the UN High Commissioner for Human Rights explained in a 2009 study, “The application of a human rights approach in preventing and responding to the effects of climate change serves to empower individuals and groups, who should be perceived as active agents of change and not as passive victims.” (A/HRC/10/61, para 90)

Climatic activity has always affected cultural heritage however climate change has fast tracked damage, disasters and in some cases disappearance. Climate change fuels the slow, yet progressive eradication of buildings and places of cultural practice and the ability to dedicate time to a full cultural life. We are gathered here today in San Francisco, a beautiful and unique city which is already dealing with rising seas and threats to infrastructure; we are close to the vast Pacific Ocean, across which a number of small island States face catastrophic climate induced destruction. Some face the very real prospect of moving their entire country and population elsewhere. The effects this will have on their human rights, their development, their political status and legal protections, and their cultures will be unprecedented. Climate change threatens the very existence of some States and survival of some peoples, thus posing a direct threat to the fundamental right of self-determination.

Nations who face forced displacement, hunger and security threats due to climate change note that “the cultural identity of an entire nation is under threat”.[[3]](#footnote-3) Movement away from homelands results in removal from one’s tangible cultural heritage (and often damage or disappearance of that heritage), but also threatens the possibilities to maintain cultural practices that may be linked to certain sites or natural resources, such as the land. The conservation and transmission of such intangible cultural heritage must also be considered. As Hee-Eun Kim has asked in an important article in the International Journal of Cultural Property, “When climate change causes migration, what does this mean for the cultural heritage of the land left behind?”[[4]](#footnote-4). As I firmly believe, inspired by the motto of the Afghan National Museum, a nation stays alive when its culture stays alive. The damage and destruction of cultural heritage when those most closely connected to it are suffering from other severe impacts of climate change also takes away a key cultural resource that can build resilience and help these people to cope at the very moment when they need such resources the most.

In other words, cultural heritage is not only a potential casualty it is also part of the response, part of the solution. For example, traditional knowledge, including that of indigenous peoples, peasants and fisherman, such as traditional fire management and agricultural techniques should be considered in developing adaptation responses. We have to think more broadly about the relationship between culture and addressing climate change. The latter requires marshalling cultural resources and necessitates cultural change, including in our ways of interacting with nature.

I have been deeply concerned about the fact that some recent prominent studies of climate heritage have not addressed the human rights implications and have not employed a human rights approach. This is a mistake and a gap which must be filled. I have spent a great deal of time, both before and since I became the Special Rapporteur listening to women and men talk about the pain and suffering, physical and mental, caused to them and their families, by the destruction of cultural heritage to which they have connections. It is critical to listen to their voices to understand that it is no mere theoretical construct to say that cultural heritage is a human rights issue – it is a lived reality around the world for diverse people. If, as the UN Secretary General has warned, governments do not take effective action by 2020 to deal with climate change we may indeed, as he suggests, be facing a runaway train which will be difficult to stop. The human rights impacts, including in the area of cultural rights and cultural heritage, will be nothing short of devastating. The time for action is now.

***RECOMMENDATIONS***

Hence, to conclude, I would like to offer a few recommendations:

* The first is that we must now mainstream the human rights approach to cultural heritage, including to the issue of the impact upon it of climate change. This mainstreaming needs to be throughout the UN system, across regional bodies, and across different bodies at the national level, including all those with a climate change agenda who should increasingly acknowledge the linkages between human rights and climate change.[[5]](#footnote-5)
* The next priority theme is the need for a holistic approach. This means many things: an approach encompassing all regions, proactively including young people, thoughtfully bringing together tangible and intangible cultural heritage which are interlinked, emphasizing both education and accountability, and considering the impact of actions by both State and non-State actors. We will not make much progress until there is more accountability. We cannot be selective or politicized in our approach, and only be galvanized by heritage with which we feel a connection, but must take a universal approach to the heritage of all. In fact, the holistic approach is a logical outcome of the foundational human rights principles of universality, indivisibility and interdependence.
* We must promote the design and implementation of risk preparedness measures and training strategies, inspiring resilience and recovery.
* We must support the recommendation made in the report World Heritage and Tourism in a Changing Climate, prepared by UNESCO, UNEP and the Union of Concerned Scientists, to include cultural heritage in climate vulnerability assessments and policy responses at all level, from the local to the international; but I would add that we need to ensure that such assessments take a human rights approach to ascertain the impact on human beings from the potential damage to heritage.
* We must advocate for the importance of conservation and preventative measures and behaviors in all our work, including dedicated policies and adequate funding at both the national and international levels, in order to improve the culture of our relationship with nature
* We must support and publicize documents such as the Pocantico Call to Action on Climate Impacts and Cultural Heritage, for which I express my strong support; and in particular endorse its call for ensuring that cultural heritage voices and expertise are represented in climate policy discussion at all levels, from the local to the international; adding to this the importance of ensuring that women, representatives of indigenous peoples and minority groups particularly affected by climate change must also be included in such processes.
* We must embrace and leverage the role of data in measuring, protecting and recovering tangible and intangible cultural heritage from climate change induced destruction and,
* We must submit relevant information concerning the need to protect cultural heritage from climate change to bodies such as the UN Committee on Economic, Social and Cultural Rights both when it reviews state party reports under the International Covenant on Economic, Social and Cultural Rights and in the form of cases under the Optional Protocol to that covenant, so as to further develop a human rights jurisprudence in this regard. Moreover, my mandate includes a confidential communications procedure under which I can raise cases with governments and other actors, and I encourage you to submit relevant cases to me so that the mandate can more fully develop its work in this area and advance your concerns with key stakeholders.

***CONCLUSION***

My commitment to the paradigm of viewing cultural heritage as a human rights issue is a principled one in the sense that it reflects actual human experience around the world and is based on international human rights law commitments; but my commitment to this paradigm is also a practical one in the sense that given all the potential impacts of climate change on human rights, we will only be able to mobilize broadly on this issue if we emphasize the deep impact that it has on human beings themselves, individually and in their collectives.

Maestro Placido Domingo, President of Europa Nostra which works to protect cultural heritage in Europe, has noted when speaking in support of my mandate’s work that cultural heritage is our anchor in time which tells us the stories of who we were in the past, who we are today and who we could become in the future, and as he eloquently said that cultural heritage is the face of hope. We must all find ways to come together in view of the unprecedented threat of climate change to take the action needed to protect this anchor and this face, to protect *human* civilization, its cultures, its traces and histories, its evolving contemporary manifestations, its heritage in all its glorious diversities and pluralities, and in accordance with international standards, and most of all the indispensable ways in which it enables human beings of all kinds to enjoy their internationally guaranteed fundamental human rights. Let us all commit to work together toward these goals, with a sense of urgency but also hope. Our work together to achieve this vision has only just begun.

Thank you.

1. “OHCHR analytical study on climate change and human rights is now available,” March 2009. [↑](#footnote-ref-1)
2. <http://sdg.iisd.org/news/climate-change-impacts-human-rights-says-un-special-rapporteur/> [↑](#footnote-ref-2)
3. Kim, H.E (2011) “Changing climate, changing culture: adding the climate change dimension to the protection of intangible cultural heritage”, *International Journal of Cultural Property*, vol. 18, pp.259-290. [↑](#footnote-ref-3)
4. *Ibid.* [↑](#footnote-ref-4)
5. Only 24 countries mention human rights in their national climate commitments. [↑](#footnote-ref-5)